

REFERENCE TITLE: DUI; juvenile adjudication

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

## **SB 1420**

Introduced by  
Senators Verschoor: Pearce

AN ACT

AMENDING SECTION 8-343, ARIZONA REVISED STATUTES; RELATING TO DISPOSITION AND COMMITMENT OF JUVENILE OFFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 8-343, Arizona Revised Statutes, is amended to  
3 read:

4       8-343. Disposition of offenses involving driving or in actual  
5                 physical control of a motor vehicle while under the  
6                 influence of intoxicating liquor or drugs

7       A. A juvenile who is adjudicated delinquent for a violation of section  
8 28-1381 or 28-1382 shall be ~~incarcerated for a period of twenty four~~  
9 ~~consecutive hours~~ SENTENCED AS PROVIDED IN SECTION 28-1381 OR 28-1382, EXCEPT  
10 THAT SECTION 13-802 DOES NOT APPLY AND ANY INCARCERATION SHALL BE SERVED IN A  
11 JUVENILE DETENTION CENTER OR IN THE DEPARTMENT OF JUVENILE CORRECTIONS.

12       B. A juvenile who within a period of eighty four months is adjudicated  
13 ~~delinquent for a violation of section 28-1381 or 28-1382 and who has~~  
14 ~~previously been adjudicated for a violation of section 28-1381, 28-1382 or~~  
15 ~~28-1383 or an act in another state, a court of the United States or a tribal~~  
16 ~~court that if committed in this state would be a violation of section~~  
17 ~~28-1381, 28-1382 or 28-1383 shall be incarcerated for a period of thirty~~  
18 ~~consecutive days that shall be served in a juvenile detention center or in~~  
19 ~~the department of juvenile corrections.~~

20       C. B. A juvenile who is adjudicated delinquent for a violation of  
21 section 28-1383 shall be sentenced as provided in section 28-1383, except  
22 that section 13-801 does not apply and any incarceration shall be served in a  
23 juvenile detention center or in the department of juvenile corrections.

24       D. C. If a juvenile is adjudicated delinquent for a violation of  
25 section 28-1381, 28-1382 or 28-1383, the court shall order the juvenile to  
26 pay at least one hundred dollars but not more than five hundred dollars plus  
27 any applicable surcharges and assessments to the public agency processing the  
28 violation or the court may order the juvenile to perform at least eighty  
29 hours of community restitution under the supervision of the court.

30       E. The dates of the commission of the offense shall be the determining  
31 ~~factor in applying the eighty four month provision of subsection B of this~~  
32 ~~section, irrespective of the sequence in which the offenses were committed.~~  
33 ~~A second violation for which a conviction occurs as provided in this section~~  
34 ~~shall not include a conviction for an offense arising out of the same series~~  
35 ~~of acts.~~

36       F. D. In addition to any other penalties prescribed by law, if a  
37 juvenile is adjudicated delinquent for a violation of section 28-1381,  
38 28-1382 or 28-1383, the court shall order the juvenile to complete alcohol or  
39 other drug screening that is provided by a facility approved by the  
40 department of health services or a probation department. If the court  
41 determines that the juvenile requires further alcohol or other drug education  
42 or treatment, the juvenile may be required pursuant to court order to obtain  
43 education or treatment under the court's supervision from an approved  
44 facility. The court may review an education or treatment determination at

1 the request of the state or the defendant or on the court's initiative. The  
2 juvenile shall pay the costs of the screening, education or treatment unless  
3 the court waives part or all of the costs. The court may order the parent or  
4 guardian of the juvenile to pay part or all of the costs of the screening,  
5 education or treatment.